

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CALVIN L. CARTLEDGE,

Plaintiff(s),

v.

CITY OF ARLINGTON et al.,

Defendant(s).

CASE NO. C25-0573-KKE

DISMISSAL ORDER

Plaintiff Calvin Cartledge proceeds *pro se*, suing the City of Arlington and Zachary Marshall for violating his Fourth Amendment rights. Dkt. No. 1-1 at 4. Plaintiff alleges that he was improperly arrested and charged with a DUI even though he passed the breathalyzer test. *Id.* After conducting the mandatory screening under 28 U.S.C. § 1915(a), the Court concludes that the complaint fails to state a claim. As such, the Court dismisses this action without prejudice, and provides leave to amend.

The district court may allow indigent litigants to proceed *in forma pauperis* (“IFP”) if they complete a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). Under § 1915, the Court must screen the complaint and dismiss any claims that are “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). “The standard for determining whether a plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii)—

the statute’s second ground for dismissal—“is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012); *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000). This means that the complaint must contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted). Conclusory allegations do not meet this standard. *Id.* Because Plaintiff proceeds *pro se*, the Court construes his allegations liberally. *United States v. Qazi*, 975 F.3d 989, 992–93 (9th Cir. 2020).

Here, the complaint fails to state a claim because it lacks sufficient factual allegations for the Court to assess whether Plaintiff states cognizable claims under the Fourth Amendment. Plaintiff appears to allege that Defendants falsely arrested¹ him without probable cause, but Plaintiff does not provide factual allegations or other details surrounding his arrest and subsequent prosecution, aside from stating that he “blew a 0.00 breath test.” Dkt. No. 1-1 at 4. For example, Plaintiff does not explain how the interaction with the police officer started and why he was given a breathalyzer test. Plaintiff needs to provide more facts in order to establish whether the police officer had probable cause to arrest Plaintiff for driving under the influence. *See, e.g.*, *McDowell v. Campos*, No. 2:23-CV-08680-SB-AJR, 2024 WL 4329069, at *4 (C.D. Cal. Aug. 9, 2024) (finding that plaintiff’s factual allegations were insufficient to state a claim for false arrest). As such, the Court must dismiss this action for failure to state a claim.

That said, it is unclear whether the complaint’s deficiencies can be cured by amendment. *See Noll v. Carlson*, 809 F.2d 1446, 1448–49 (9th Cir. 1987); *see also Lopez*, 482 F.3d at 1128 (dismissal of a *pro se* complaint without leave to amend for failure to state a claim is proper only

¹ To state a claim for false arrest, Plaintiff must allege that Defendants arrested him “without probable cause or other justification.” *Dubner v. City & Cnty. of San Francisco*, 266 F.3d 959, 964 (9th Cir. 2001); *see, e.g., Armstrong v. Smith*, No. 2:24-CV-00575-GMN-BNW, 2025 WL 1024331 (D. Nev. Apr. 3, 2025) (allowing claim for false arrest to proceed because *pro se* plaintiff sufficiently pled facts around his arrest and charges), *report and recommendation adopted*, No. 2:24-CV-00575-GMN-BNW, 2025 WL 1266757 (D. Nev. Apr. 30, 2025).

1 where it is obvious that an opportunity to amend would be futile). Therefore, the Court will
2 provide Plaintiff leave to amend to allege additional facts regarding Plaintiff's arrest and charges.

3 The Court advises Plaintiff that the amended complaint supersedes the original complaint.
4 *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997). This means that once Plaintiff files
5 an amended complaint, the original pleading no longer serves any function in the case. The
6 amended complaint should show the docket number assigned to this case and be labeled "First
7 Amended Complaint."

8 Accordingly, the Court ORDERS the following:

- 9 1. Plaintiff's complaint is DISMISSED without prejudice and WITH LEAVE TO
10 AMEND; and
11 2. Plaintiff must file a First Amended Complaint by **August 21, 2025**.

12 If Plaintiff fails to comply with this order to file an amended complaint, this action may be
13 dismissed for failure to prosecute and failure to obey the Court's order.

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15 Dated this 22nd day of July, 2025.

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18 Kimberly K. Evanson
19 United States District Judge
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